

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	MO:24-CR-160
	§	
FRANKIE ACOSTA	§	

**FINDINGS OF FACT AND RECOMMENDATION ON
FELONY GUILTY PLEA BEFORE THE U.S. MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Judge for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On October 15, 2024, this cause came before the undersigned U.S. Magistrate Judge for Guilty Plea and Allocution of the Defendant **FRANKIE ACOSTA**¹ on **COUNT ONE** of the **INDICTMENT** filed herein charging him with a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8).² The Defendant signed a written consent to plea before the Magistrate Judge. After conducting said proceeding in the form and manner prescribed by Federal Rule of Criminal Procedure 11, the Court finds:

a) that the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a U.S. Magistrate Judge subject to final approval and imposition of sentence by the District Judge;

b) that the Defendant pleaded guilty to **COUNT ONE** of the **INDICTMENT** without a written plea agreement. Any oral agreements were stated into the record by the parties; and,

c) that the Defendant is fully competent and capable of entering an informed plea,³ that the Defendant is aware of the nature of the charge and the consequences of the plea,⁴ and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS THEREFORE the recommendation of the undersigned U.S. Magistrate Judge that the District Judge accept the guilty plea of the Defendant **FRANKIE ACOSTA** and that **FRANKIE ACOSTA** be finally adjudged guilty of that offense.

1. The Defendant acknowledged that he has been charged under the true and correct name.

2. The Defendant is aware of the "Notice of Government's Demand for Forfeiture" that is contained in the Indictment and agreed to forfeit the named property.

3. The Defendant was admonished pursuant to Title 18, to the statutory penalty range of up to fifteen (15) years imprisonment, a maximum three (3) years supervised release, a fine not to exceed two hundred fifty thousand dollars (\$250,000.00), and a one hundred dollar (\$100.00) mandatory special assessment. **However, if the Court determines the Defendant has three prior convictions for a violent felony or a serious drug offense, or both, committed on occasions different from one another, the statutory penalty range shall be at least fifteen (15) years imprisonment, up to five (5) years supervised release, a fine not to exceed two hundred fifty thousand dollars (\$250,000.00), and a one hundred dollar (\$100.00) mandatory special assessment.**

The United States District Clerk shall serve a copy of this Proposed Findings of Fact and Recommendation on all parties electronically. In the event that a party has not been served by the Clerk with this Report and Recommendation electronically, pursuant to the CM/ECF procedures of this District, the Clerk is **ORDERED** to mail such party a copy of this Report and Recommendation by certified mail, return receipt requested. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Judge. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made; the District Judge need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the Magistrate Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar the party from a de novo determination by the District Judge. Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Judge, except upon grounds of plain error or manifest injustice.

It is so **ORDERED**.

SIGNED this 15th day of October, 2024.

A handwritten signature in black ink, appearing to read 'Ron C. Griffin', is written over a horizontal line.

RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE